

**ZONING COMMITTEE
MINUTES
WEDNESDAY, APRIL 30, 2008**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, April 30, 2008** in the Council Chambers, at 11:16 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable Natalyn Archibong, Vice Chair
The Honorable Howard Shook
The Honorable Anne Fauver
The Honorable Joyce Sheperd
The Honorable C. T. Martin**

The following member was absent:

The Honorable Carla Smith

Others present at the meeting were: Charletta Wilson-Jacks, Zoning Administrator, Department of Planning and Community Development; City Attorneys Lem Ward, Peter Andrews and Jeffery Heymore, Law Department; and members of the Public and Council staff.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

08-O-0862 (1) An Ordinance by Zoning Committee to rezone from the R-4
Z-08-28 (Single-Family Residential) and R-4A (Single-Family
Residential) Districts to the R-4B (Single-Family Residential)
and the MR-2 (Multifamily Residential) Districts, property
located at **80, 100, 102, 108 and 112 Sewanee Avenue**,
with boundaries as follows: I-20 Interstate on the west,
Sewanee Avenue on the southwest and Ellendale Lane on the
southeast.

Depth: Varies

Area: Approximately 15.0 Acres

Land Lot: 206, 14th District, Fulton County, Georgia

Owner: Habitat for Humanity

Applicant: Walter Brown (Green Street Properties)

NPU-J

Council District 3

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

**ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE TWO**

C. ORDINANCES FOR FIRST READING

08-O-0863 (2) An Ordinance by Zoning Committee to rezone from the R-5
Z-08-29 (Two-Family Residential) District to the R-4B (Single-Family
Residential) District, property located at **998 and 1002
Center Street, NW**, fronting approximately 104.19 feet on
the west side of Center Street and also located on the
southwesterly side of the intersection of Lynch Avenue and
Center Street.

Depth: Approximately 100 Feet

Area: 0.243 Acre

Land Lot: 149, 17th District, Fulton County, Georgia

Owner: Michael J. Anderson

Applicant: Michael J. Anderson

NPU-E

Council District 3

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

08-O-0864 (3) An Ordinance by Zoning Committee granting a Special Use
U-08-13 Permit for a Personal Care Home (16.06B.005 (l)(g)), property
located at **564 Hope Street, SW**, fronting approximately 50
feet on the south side of Hope Street and approximately 50
feet west of the intersection of Hope Street and Hobson
Street.

Depth: Approximately 188 Feet

Area: 0.21 Acre

Land Lot: 87, 14th District, Fulton County, Georgia

Owner: Eric L. Young

Applicant: Annie B. Young-Sheperd

NPU-V

Council District 4

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

D. ZRB SUMMARY REPORT

E. PAPERS HELD IN COMMITTEE

06-O-0273 (1) An Ordinance by Councilmembers Carla Smith, Ivory Lee
Young, Jr. and Cleta Winslow correcting Ordinance Number
04-O-0179/Z-04-24 which amended Section 16-29.001(16)
"Human Services" including Personal Care Homes,
Rehabilitation Centers and Nursing Homes by clarifying

**ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE THREE**

E. PAPERS HELD IN COMMITTEE (CONT'D)

and/or redefining certain terms; and for other purposes.
(Held 2/1/06 for further review)

HELD

06-O-0007 (2)
Z-05-65 An Ordinance by Councilmember Carla Smith
as amended by Zoning Committee to rezone the portion of
the property located at **1821 W. Anderson Avenue** that is
zoned R-4 (Single Family Residential) to the O-I (Office
Institutional) Classification, to issue a Special Use Permit for
the subject property; and for other purposes. **(Held
6/28/06 at the request of Councilmember of the
District)**

HELD

06-O-0022 (3)
U-05-22 An Ordinance by Councilmember Carla Smith
to issue a Special Use Permit for a Nursing Home at **1821 W.
Anderson Avenue (a.k.a. 31 Anderson Avenue)**; to waive
the 2,000 foot distance requirement for this location; and for
other purposes. **(Held 6/28/06 at the request of
Councilmember of the District)**

HELD

06-O-0955 (4)
Z-06-44 A **Substitute** Ordinance by Zoning Committee to rezone from
the I-1-C (Light Industrial-Conditional) District to the MR5-A
(Multi-Family Residential) District, property located at **1155
Hill Street, SE**, fronting approximately 350 feet on the west
side of Hill Street and approximately 272 feet on the north
side of Englewood Avenue. **(Held 11/1/06 at the request
of District Council Person)**

Depth: Varies
Area: Approximately 8.719 Acres
Land Lot: 55, 14th District, Fulton County, Georgia
Owner: Jack and Harvey Taffel
Applicant: Chaz E. Waters/Skyline Partners, LLC.
NPU-Y Council District 1

HELD

**ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE FOUR**

F. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1927 (5) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

HELD

07-O-0396 (6) An Ordinance by Community Development/Human
CDP-07-09 Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **349 14th Street**, from the "Low Density Commercial" Land Use Designation; to the "Mixed-Use" Land Use Designation; and for other purposes. **(1st Quarter CDP Public Hearing held 3/12/07) (Held 3/13/07 awaiting companion Zoning legislation) (Favorable by CD/HR Committee 3/27/07) (Held 3/28/07 at the request of the applicant)**
NPU-E **Council District 2**

HELD

07-O-0148 (7) An **Amended** Ordinance by Zoning Committee to rezone
Z-06-138 from the C-2 (Commercial Service) District to the MRC-3 (Mixed Residential-Commercial) District, property located at **349 Fourteenth Street, NW**, fronting approximately 134 feet on the south side of 14th Street, at the southwest corner.

**ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE FIVE**

E. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Approximately 152 Feet
Area: Approximately 0.47 Acre
Land Lot: 149, 17th District, Fulton County, Georgia
Owner: Julian W. Rikard
Applicant: Michael Gamble
(Held 3/28/07 at the request of the applicant)
NPU-E Council District 2

HELD

06-O-1445 (8)
Z-06-74 An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3700 Martin Luther King, Jr. Drive, SW**, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. **(Held 5/2/07 at the request of Councilmember of the District)**

Depth: Varies
Area: Approximately 27 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Atlanta Neighborhood Development Partnership
Applicant: Marvin Greer
NPU-H Council District 10

HELD

06-O-2308 (9)
Z-06-113 An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at **863 Ponce de Leon (rear), NE**, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue. **(Filed by ZRB and Zoning Committee 5/20/07) (Referred by back by Full Council 6/4/07) (Held 6/13/07)**

**ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE SIX**

E. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Approximately 74 Feet
Area: Approximately 0.861 Acre
Land Lot: 17, 14th District, Fulton County, Georgia
Owner: Robert T. Budd
Applicant: Kevin A. Ross
NPU-N **Council District 2**

HELD

07-O-1910 (10) An Ordinance by Councilmember Carla Smith to
Z-07-99 rezone the properties located at **760 Confederate Avenue,**
also known as 766 Confederate Avenue and 750
Confederate Avenue from the R-5 (Two Family Residential
District) District to the C-1-C (Community Business District
Conditional); to modify the Official Zoning Maps; and for
other purposes. **(Held 11/28/07)**

HELD

06-O-1888 (11) An Ordinance by Community Development/Human
CDP-06-65 Resources Committee to amend the Land Use Element of the
City of Atlanta's 2004-2019 Comprehensive Development
Plan (CDP) so as to re-designate property located at **3700**
Martin Luther King, Jr. Drive, SW, from the "Medium
Density Residential" Land Use Designation to the "Mixed-
Use" Land Use Designation; and for other purposes. **(Public**
Hearing held 9/11/06) (Filed by CD/HR Committee
11/27/07)
NPU-H **Council District 1**

HELD

**ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE SEVEN**

E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2300 (12) An Ordinance by Community Development/Human
CDP-07-42 Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **760 Confederate Avenue**, from the "Low Density Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation; and for other purposes. **(Held 11/13/07) (CDP Amendment Public Hearing held 11/26/07) (Favorable by CD/HR Committee 11/27/07)**
NPU-W Council District 1

HELD

07-O-2594 (13) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. **(Held 12/12/07)**

HELD

06-O-0038 (14) An Ordinance by Councilmembers Carla Smith and Ivory Lee
Z-05-56 Young, Jr. to amend Various Sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or defining certain terms related to Supportive Housing; to provide how applications for such uses are to be processed; defining the term Community Center and removing certain redundant terms related to such use; redefining the conditions under which dormitories, Sorority Houses and Fraternity Houses are permitted; deleting rooming houses and boarding houses as permitted uses in certain districts; and for other purposes. **(Favorable by Zoning Committee 10/31/07) (Referred back by Council 11/5/07) (Public Hearing held 12/12/07) (Held 12/12/07)**

HELD

**ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE EIGHT**

E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-1916 (15) An **Amended** Ordinance by Zoning Committee to rezone
Z-07-88/ property from the RG-2-C (Residential General-Sector 2-
Z-05-114 Conditional) to the MR-3-C (Multi-Family-Conditional)
District, property located at **2853 Campbellton Road, SW**,
fronting approximately 1,098 feet on the north side of
Campbellton Road. **(Held 1/16/08)**
Depth: Varies
Area: Approximately 10.179 Acres
Land Lot: 218, 14th District, Fulton County, Georgia
Owner: Cascade Walk, LLC
Applicant: Michael B. Vinson
NPU-R **Council District 11**

FAVORABLE

06-O-2697 (16) An Ordinance by Councilmember Carla Smith to amend
Z-06-144 Chapter 28 of Part 16 of the Atlanta City Land Development
Code to provide for density increases in exchange for
affordable workforce housing; to define certain terms; to
provide limitations and requirements; and for other
purposes. **(Held 1/30/08)**

HELD

07-O-1620 (17) An Ordinance by Zoning Committee to rezone certain
Z-07-92 properties within the BeltLine Overlay District from R4-A
(Single Family Residential) and RG-3 (Residential General-
Sector 3) Districts to MR-4A (Multifamily Residential)
District; and for other purposes. **(Held 2/13/08)**

HELD

ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE NINE

E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-1917 (18) An **Amended** Ordinance by Zoning Committee to rezone
Z-07-89 property from the RG-4 (Residential General-Sector 4) to the
C-1 (Community Business) Districts, property located at
626-628 Parkway Drive, NE, fronting approximately 100
feet on the west side of Parkway Drive and approximately
700 feet north of the intersection of North Avenue and
Parkway Drive. **(Held 2/27/08 for CDP Amendment)**

Depth: Varies

Area: 0.448 Acre

Land Lot: 48, 14th District, Fulton County, Georgia

Owner: Renee C. McPhee and Kendrick Armistead

Applicant: Kendrick P. Armistead

NPU-M

Council District 2

HELD

07-O-2152 (19) An Ordinance by Zoning Committee to rezone from the I-1
Z-07-100 (Light Industrial) District to the MRC-3 (Mixed Residential
Commercial) District, for property located at **1035-1039**
Grant Street, SE, fronting approximately 540 feet on the
west side of Grant Street beginning approximately 1,060 feet
north from the northwest corner of Englewood Avenue. **(Held**
4/2/08)

Depth: Approximately 310 Feet

Area: Approximately 3.8 Acres

Land Lots: 1 and 2, 14th District, Fulton County, Georgia

Owner: Arthur Cohen

Applicant: John A. Bell

NPU-W

Council District 1

HELD

08-O-0306 (20) An Ordinance by Zoning Committee to rezone from the R-4
Z-08-02 (Single-Family Residential), RG-1 (Residential General-Sector
1) and C-1 (Community Business) Districts to the I-1 (Light
Industrial) District, for various properties bounded by Simon
Street on the north, Ruby Harper Boulevard (a.k.a. Gilbert
Road) on the east, Southside Industrial Parkway (a.k.a. Poole
Creek Road) on the south. Property fronts approximately
751 feet on the east side of Ruby Harper Boulevard at the
northeast corner of Ruby Harper Boulevard and Southside
Industrial Parkway. **(Held 4/2/08)**

**ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE TEN**

E. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: Approximately 22.85 Acres
Land Lot: 33, 14th District, Fulton County, Georgia
Owner: The Housing Authority of the City of
Atlanta/City of Atlanta Department of
Aviation/Annie McClendon
Applicant: Atlanta Economic Renaissance
Corporation/AMB Property Corporation
NPU-Z Council District 12

HELD

07-O-2297 (21) An Ordinance by Community Development/Human
CDP-07-38 Resources Committee to amend the Land Use Element of the
City of Atlanta 2004-2019 Comprehensive Development Plan
(CDP) so as to re-designate property that is located at **1035-
1039 Grant Street, NE**, from the "Industrial" Land Use
Designation to the "Mixed Use" Land Use Designation; and
for other purposes. **(Held 11/13/07) (CDP Amendment
Public Hearing held 11/26/07) (A second CDP
Amendment Public Hearing was held on 3/10/08)
(Favorable by CD/HR Committee 4/1/08) (Held 4/2/08)**
NPU-W Council District 1

HELD

F. ITEM NOT ON THE AGENDA

08-O-0205 (1) An Ordinance by Zoning Committee correcting Ordinance
Number 06-O-2693 which granted a Special Use Permit
pursuant to Section 16-11.005(1)(H) for a hotel on property
abutting Peachtree Road, Bolling Way and Buckhead
Avenue; and for other purposes.

**Councilmember Shook made a motion to approve. The
vote was unanimous.**

FAVORABLE

SUMMARY REPORT
MAY 5, 2008

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
<u>FAVORABLE AS AMENDED</u>						
08-O-0191	Z-07-124	581 Simpson Street, NW L-3	R-LC to MRC-2-C	Approval Conditional	Approval	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
08-O-0102	U-07-41	45 Allen Plaza, NW (aka 55 Alexander Street, NW) M-2	Special Use Permit for a Helipad	Approval Conditional	Approval	Approval Conditional
Councilmember Fauver made a motion to approve as amended. The vote was unanimous.						
08-O-0518	U-08-03	3760 Browns Mill Rd., SE Z-12	Special Use Permit for a Metal and Plastics Recycling Center (processing facility)	Approval Conditional	Deferral	Approval Conditional
Councilmember Sheperd made a motion to approve as amended. The vote was unanimous.						
08-O-0521	U-08-07	3405 Lenox Road, NE B-7	Special Use Permit for a Hotel	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Fauver made a motion to approve as amended. The vote was unanimous.						
08-O-0554	U-08-10	1411 North Morningside Drive, NE F-6	Special Use Permit for a Church	Approval Conditional	Approval	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
08-O-0517	Z-08-16	1600 Carlisle Street, NW J-3	RG-2 and R-4A to MR-4A	Approval Conditional	Approval	Approval Conditional
Councilmember Sheperd made a motion to approve as amended. The vote was unanimous.						

SUMMARY REPORT

April 30, 2008

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM
-----------------------	------------------	----------------------	--------	------------------	----------------	---------------

ADVERSE

07-O-1536	Z-07-79	3200 Downwood Circle, NW C-8	O-I-C to RG-4	Approval Conditional	Denial	Denial
-----------	---------	---------------------------------	---------------	-------------------------	--------	--------

Councilmember Fauver made a motion to approve as amended. The vote was unanimous.

FILE

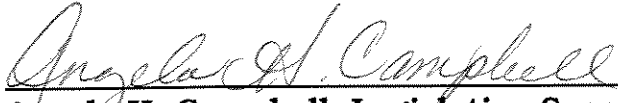
07-O-1349	Z-07-70	305, 309, 315, 321 Pharr Road, NE and 2985, 2989, 2991 North Fulton Drive, NE and 2990 and 2996 Grandview Avenue, NE B-7	C-1 and R-LC to C-2	File	Deferral	File
-----------	---------	--	---------------------	------	----------	------

Councilmember Shook made a motion to approve as amended. The vote was unanimous.

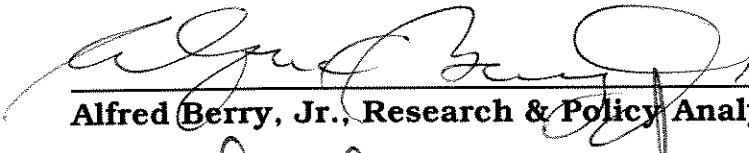
**ZONING COMMITTEE MINUTES
WEDNESDAY, APRIL 30, 2008
PAGE ELEVEN**

There being no further business to come before the Zoning Committee the meeting was adjourned at 11:45 a.m.

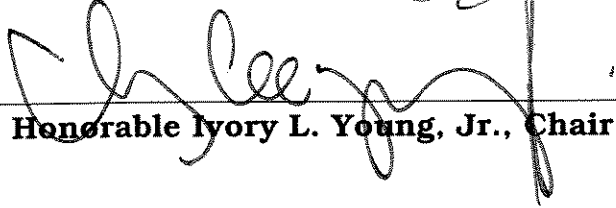
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory L. Young, Jr., Chair